

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2004 OF 2004
(For leave to appeal)

IN
CRIMINAL APPEAL NO. OF 2004

Ashok Shankar Chitnis ...Applicant.

V/s

M/s. Jayshree Builders
& Ors. ...Respondents.

Mr. S. Kotwal holding for Mr. M.K. Kocharekar for the
applicant.

Mr. A.s. Khandeparkar for respondent No.2.

None for respondent No.3 - State.

CORAM: V.M.KANADE,J.
DATE: 15th March, 2005
(In chamber at 4.45 P.M.)

P.C.

1. Respondent No.2 who is present in Court has
tendered to the appellant the Pay Order bearing
No.119088 drawn on Thana Janata Sahakari Bank Ltd for
an amount of Rs 2,50,000/- as agreed as per order
dated 10/2/2005.

2. The record and proceedings were called by the
order dated 10/2/2005 since the respondent No.2 prayed
that the documents filed in the Trial Court by the
appellant be returned. However, record and
proceedings is not yet received. Respondent No.2
seeks return of Promissory Notes executed by him as

also the cheques. The learned counsel appearing on behalf of the appellant submits that so far as the Promissory Notes and cheques are concerned, they are deposited in the Trial Court and the appellant has no objection if these documents are returned to the respondent No.2. In view of this, the Trial Court is directed to return all the documents which are filed by the appellant - original complainant to the respondent No.2.

3. It is agreed by both the parties that if there is any agreement between the parties in respect of transactions, the parties shall not act as per the terms and conditions in the said agreement and if such agreement exists in writing the same will be returned to the respondent No.2.

4. In the circumstances, the learned Counsel appearing for the appellant seeks permission to withdraw the application for leave to appeal and the criminal appeal. Permission granted. Application for leave to appeal and the criminal appeal are allowed to be withdrawn and disposed of as such.

V.M. KANADE, J.